

MT LEGISLATIVE HISTORY

Chapter 75 1989

Bill (H) 121 S _____

Original bill & hist. C

H. Committee on Local Government

S. Committee on Local Government

Hearing Date(s) Jan 19 ☒ C

Hearing Date(s) Feb 14 ☒ C

_____ ☐ C

Feb 28 ☒ C

_____ ☐ C

_____ ☐ C

_____ ☐ C

_____ ☐ C

Date Out Jan 20 ☒ C

Mar 01 ☒ C

Did this bill originate in an interim committee? Yes No

Committee _____

Report _____

HOUSE FINAL STATUS

3/02 TRANSMITTED TO GOVERNOR
 3/06 SIGNED BY GOVERNOR
 CHAPTER NUMBER 48 EFFECTIVE DATE: 10/01/89

HB 121 INTRODUCED BY WALLIN, ET AL.
 FIRE SERVICE AREA OPERATIONS--ENTER PROPERTY TO
 FIGHT FIRES, ELECT TRUSTEES

1/11 INTRODUCED
 1/12 REFERRED TO LOCAL GOVERNMENT
 1/19 HEARING
 1/20 COMMITTEE REPORT--BILL PASSED AS AMENDED
 1/23 2ND READING PASSED 93 2
 1/25 3RD READING PASSED 96 1

TRANSMITTED TO SENATE
 1/26 REFERRED TO LOCAL GOVERNMENT
 2/14 HEARING
 3/01 COMMITTEE REPORT--BILL CONCURRED
 3/03 2ND READING CONCURRED 46 2
 3/06 3RD READING CONCURRED 47 3

RETURNED TO HOUSE
 3/09 SIGNED BY SPEAKER
 3/09 SIGNED BY PRESIDENT
 3/09 TRANSMITTED TO GOVERNOR
 3/13 SIGNED BY GOVERNOR
 CHAPTER NUMBER 75 EFFECTIVE DATE: 10/01/89

HB 122 INTRODUCED BY SPAETH
 ACTUAL NOTICE TO CERTAIN CREDITORS OF AN ESTATE

1/11 INTRODUCED
 1/12 REFERRED TO JUDICIARY
 1/19 HEARING
 1/25 COMMITTEE REPORT--BILL PASSED AS AMENDED
 1/28 2ND READING PASSED AS AMENDED 92 1
 1/31 3RD READING PASSED 96 0

TRANSMITTED TO SENATE
 2/02 REFERRED TO JUDICIARY
 2/28 HEARING
 3/14 COMMITTEE REPORT--BILL CONCURRED AS AMENDED
 3/15 2ND READING CONCURRED 47 0
 3/17 3RD READING CONCURRED 47 0

RETURNED TO HOUSE WITH AMENDMENTS
 3/30 2ND READING AMENDMENTS CONCURRED 96 0
 3/31 3RD READING AMENDMENTS CONCURRED 98 0

4/06 SIGNED BY SPEAKER
 4/07 SIGNED BY PRESIDENT
 4/07 TRANSMITTED TO GOVERNOR
 4/12 SIGNED BY GOVERNOR
 CHAPTER NUMBER 500 EFFECTIVE DATE: 10/01/89

HB 123 INTRODUCED BY SPAETH, ET AL.
 ADOPT UNIFORM ENFORCEMENT OF FOREIGN JUDGMENTS ACT

1/11 INTRODUCED

1 *House* BILL NO. *121* *Hofman*
 2 INTRODUCED BY *William P. Parnell, Darke H. Hargrave*
 3 *Gregory J. Parnell, Gilbert P. O'Connor, H. H. Hargrave*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT RELATING TO THE
 5 OPERATION OF FIRE SERVICE AREAS; PROVIDING THAT THE FIRE
 6 CHIEF OF A FIRE SERVICE AREA AND HIS DEPUTY HAVE THE SAME
 7 AUTHORITY TO ENTER PROPERTY TO FIGHT FIRES AS COUNTY AND
 8 DISTRICT RURAL FIRE CHIEFS; PROVIDING THAT THE CHIEF,
 9 DEPUTY, AND FIRE SERVICE AREA HAVE THE SAME IMMUNITY FROM
 10 SUIT RESULTING FROM THE SUPPRESSION OF FIRES AS DO COUNTY
 11 AND RURAL FIRE DISTRICTS; PROVIDING FOR THE ELECTION OF
 12 TRUSTEES OF A FIRE SERVICE AREA IN THE SAME MANNER AS FOR A
 13 RURAL FIRE DISTRICT; AMENDING SECTIONS 7-33-2208, 7-33-2403,
 14 AND 7-33-2404, MCA."

15
 16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

17 **Section 1.** Section 7-33-2208, MCA, is amended to read:

18 "7-33-2208. Fire control powers -- liability. (1) Any
 19 county rural fire chief, or district rural fire chief or his
 20 deputy, or fire service area fire chief or his deputy may
 21 enter private property or direct the entry of fire control
 22 crews for the purpose of suppressing fires.

23 (2) A chief or deputy and the county, or rural
 24 district, or fire service area are immune from suit for
 25 injury to persons or property resulting from actions taken

1 to suppress fires under this section."

2 **Section 2.** Section 7-33-2403, MCA, is amended to read:

3 "7-33-2403. Operation of fire service area. (1)

4 Whenever the board of county commissioners has established a
 5 fire service area, the commissioners may:

6 (a) govern and manage the affairs of the area; or

7 (b) appoint five qualified trustees to govern and
 8 manage the affairs of the area; or

9 (c) authorize the election of five qualified trustees
 10 to govern and manage the affairs of the area. The term of
 11 office and procedures for nomination and election are the
 12 same as those provided for election of rural fire district
 13 trustees in 7-33-2106.

14 (2) If the commissioners appoint trustees under
 15 subsection (1), the provisions of 7-33-2105 and 7-33-2106
 16 shall apply, except that the trustees shall prepare annual
 17 budgets and request a schedule of rates therefor."

18 **Section 3.** Section 7-33-2404, MCA, is amended to read:

19 "7-33-2404. Financing of fire service area -- fee on
 20 structures. (1) In the resolution creating the fire service
 21 area and by resolution as necessary thereafter, the board of
 22 county commissioners shall establish a schedule of rates to
 23 be charged owners of structures that are benefited by the
 24 fire services offered by the fire service area.

25 (2) The rates must be applied on a fair and equal

1 basis to all classes of structures benefited by the fire
2 service area.

3 (3) The board of county commissioners shall collect
4 the funds necessary to operate the fire service area by
5 charging the area rate as a special assessment on the owners
6 of structures and collect the assessments with the general
7 taxes of the county. The assessments are a lien on the
8 property so assessed.

9 (4) The board of county commissioners or the trustees,
10 if the ~~commissioners--have--appointed~~ fire service area is
11 governed by trustees under 7-33-2403, may pledge the income
12 of the fire service area to secure financing necessary to
13 procure fire equipment and buildings to house fire
14 equipment. The outstanding amount of such indebtedness may
15 not exceed 7% of the taxable valuation of the area."

-End-

STATUS SHEET

51ST LEGISLATIVE SESSION

LOCAL GOVERNMENT

COMMITTEE

BILL NUMBER	ENTERED COM. DATE	DATE CON- SIDERED	OUT OF COM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMENDED DATE	DO NOT PASS AS AMENDED DATE	BE CON- CURRED IN DATE	BE NOT CON- CURRED IN DATE	BE CON- CURRED IN AMENDED DATE	BE NOT CONCURRED IN AS AMENDED DATE
HB 17	1/2/89	1/3/89	1/3/89	1/3/89							
HB 41	1/2/89	1/3/89	1/3/89			1/3/89					
HB 22	1/2/89	1/5/89	1/10/89	1/10/89							
HB 23	1/2/89	1/5/89	1/5/89	1/5/89							
HB 24	1/2/89	1/5/89	1/5/89	1/5/89							
HB 58	1/4/89	1/10/89	1/12/89			1/12/89					
HB 67	1/5/89	1/10/89	1/10/89			1/10/89					
HB 68	1/6/89	1/10/89	1/10/89			1/10/89					
HB 85	1/6/89	1/12/89	1/12/89	1/12/89							
HB 105	1/10/89	1/12/89	2/2/89			2/2/89					
HB 91	1/6/89	1/12/89	1/12/89	1/12/89							
HB 121	1/12/89	1/19/89	1/19/89			1/19/89					
HB 148	1/13/89	1/19/89				1/31/89					
HB 160	1/16/89	1/24/89	1/24/89	1/24/89							

se a separate sheet for Senate Bills, House Bills, and Resolutions.

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By Chairman Paula Darko, on January 19,
1989, at 3:00 p.m.

ROLL CALL

Members Present: All except the following:

Members Excused: Rep. Budd Gould

Members Absent: None

Staff Present: Lee Heiman, Legislative Counsel

Announcements/Discussion: Rep. Wallin will vote for Rep.
Gould by proxy.

Chairman Darko announced that HB 105, Rep. Ellison's bill on facsimile copies would be placed in subcommittee. Rep. McDonough will chair. Also on the subcommittee will be Rep. Hoffman and Rep. Johnson. She asked that they work with the Clerk and Recorder's organization and also title company representatives and that they report back at their earliest convenience.

HEARING ON HOUSE BILL 148

Presentation and Opening Statement by Sponsor: Rep. Hal Harper, District 44, stated that state and local governments have been under increasing pressures to take over functions that the federal government had previously performed. The magnitude of the problem is very underrated by state government. Twenty-eight other states have already enacted some form of this bill and at least 12 others are considering such legislation.

List of Testifying Proponents and What Group They Represent:

K.L. (Ken) Weaver, Local Government Center
Judy Mathre, Local Government Center
John Thorsen, Self
Gordon Morris, Montana Association of Counties

Closing by Sponsor: Rep. Harper believes that this is a good measure and encouraged the committee and the legislature to join hands with the local governments and enter into a new age of cooperation and communication with each other.

DISPOSITION OF HOUSE BILL 148

No action taken.

HEARING ON HOUSE BILL 121

Presentation and Opening Statement by Sponsor: Rep. Norm Wallin, District 78, stated that this bill provides for equitable fire protection of remote areas - not many people but vast sections of land. The bill is attempting to provide for what was not provided in the original legislation.

List of Testifying Proponents and What Group They Represent:

Lyle P. Nagel, Montana State Volunteer Firefighters' Association
Henry E. Lohr, Montana State Volunteer Firefighters' Association
Bill Weber, Rae Volunteer Fire Company

List of Testifying Opponents and What Group They Represent:

None

Testimony:

Lyle Nagel, proponent, explained that a fire service area is a vehicle for funding and that most services are provided by fire companies. This bill would provide immunity to the chiefs and also enable such fire services areas to choose their trustees and suggested that some amendments may be necessary. The bill would clarify and strengthen previous legislation.

Henry Lohr, proponent, expressed his support of this legislation.

Bill Weber, proponent, stated that this bill would enable them to enter private property and would prevent them from having to watch homes burn.

Questions From Committee Members: None.

Closing by Sponsor: Rep. Wallin asked for the committee's support of this bill.

DISPOSITION OF HOUSE BILL 121

Motion: Rep. Wallin moved that HB 121 DO PASS. Rep. Dave Brown seconded.

Discussion: None

Amendments and Votes: Rep. Jan Brown moved to amend HB 121. Rep. Stickney seconded. The vote to AMEND was unanimous. Lee recommended a technical amendment to this bill and explained the amendment at Rep. Dave Brown's request. Rep. Brooke moved that the second amendment. Rep. Nelson seconded. It passed unanimously.

Recommendation and Vote: Rep. Wallin moved that HB 121 DO PASS AS AMENDED. Rep. Dave Brown seconded. The motion CARRIED unanimously.

HEARING ON HOUSE BILL 175

Presentation and Opening Statement by Sponsor: Rep. Stella Jean Hansen, District 57, stated that the bill allows a county to put money into a financial institution that offers the highest return on the money. Currently, they are confined to their own county or, in some instances to adjoining counties.

List of Testifying Proponents and What Group They Represent:

Gordon Morris, Montana Association of Counties
Alec Hansen, Montana League of Cities and Towns
Brad DeZort, Teton County Commissioner

List of Testifying Opponents and What Group They Represent:

None

Testimony:

Gordon Morris, proponent, stated that their organization passed a resolution in support of this bill which would open investment opportunity to counties and enable them to get a much better return on their deposits.

* Currently, counties with two or less banks can solicit

DAILY ROLL CALL

LOCAL GOVERNMENT

COMMITTEE

51st LEGISLATIVE SESSION -- 1989

Date

1/19/89

NAME	PRESENT	ABSENT	EXCUSED
DARKO, PAULA - Chair	X		
MCDONOUGH, MARY - Vice-Chair	X		
BROOKE, VIVIAN	X		
BROWN, DAVE	X		
BROWN, JAN	X		
HANSEN, STELLA JEAN	X		
JOHNSON, JOHN	X		
STICKNEY, JESSICA	X		
WYATT, DIANA	X		
GOOD, SUSAN	X		
GOULD, BUDD			X
GUTHRIE, BERT	X		
HOFFMAN, ROBERT	X		
NELSON, THOMAS	X		
REHBERG, DENNIS	X		
WALLIN, NORM	X		

Local Government COMMITTEE

DATE 1/19/89

[illegible]

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Please Print

WITNESS STATEMENT

NAME Lyle P. Nagel BILL NO. HB 121

ADDRESS Box 93 Simms Mt. 59477

WHOM DO YOU REPRESENT? Mt. St. Vol. Firefighters Assn.

SUPPORT ✓ OPPOSE AMEND

COMMENTS: Fire Service Areas in most cases receive fire protection

from fire companies formed under 7-33-2311 and 7-33-2312.

7-33-2208 refers to County Fire Chiefs (7-33-2203) and fire

district chiefs. There is no mention in any statutes of the

fire chief of a fire company or fire service area. Line 20

of page 1 should be amended by inserting the words

LINE 20 or fire company after the word area. This would afford

immunity to all volunteer fire chiefs.

Page 2 line 9. This added paragraph may already

be covered in ~~7-33-2403~~ 7-33-2403 (2) By choosing this option

they will determine that trustees are to be elected and

not appointed when future trustees are chosen, 7-33-2106

allows for election or appointment.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

STANDING COMMITTEE REPORT

January 20, 1989

Page 1 of 2

Mr. Speaker: We, the committee on Local Government report that HOUSE BILL 121 (first reading copy -- white) do pass as amended .

Signed: _____
Paula Darko, Chairman

And, that such amendments read:

1. Title, line 6.

Following: "AREA"

Insert: "OR FIRE COMPANY"

2. Title, line 9.

Following: "DEPUTY,"

Insert: "FIRE COMPANY,"

3. Title, line 14.

Following: "MCA"

Insert: "; AND REQUIRING A TWO-THIRDS VOTE FOR IMPOSITION OF
GOVERNMENTAL IMMUNITY FROM SUIT"

4. Page 1, line 20.

Following: "area"

Insert: "or fire company"

5. Page 1, line 24.

Following: "district,"

Insert: "fire company,"

6. Page 3.

Following: line 15

Insert: "NEW SECTION. Section 4. Requirements for approval of governmental immunity from suit -- severability. Because the amendment to 7-33-2208(2) provides governmental immunity from suit for injury to a person or property, Article II, section 18, Montana constitution, requires a vote of two-thirds of the members of each house for the enactment of the amendment to 7-33-2208(2). If [this act] is not approved by the required vote, the amendment to 7-33-2208(2) is void.

January 20, 1989

Page 2 of 2

The remaining sections and amendments to 7-33-2206 are valid and remain in effect in all valid applications upon enactment."

CHAIRMAN--ETHEL HARDING
SECRETARY-DOLORES HARRIS
NORMAL SCHEDULE==> SITE: ROOM 405COMMITTEE--(S) LOCAL GOVERNMENT
DAYS: T,TH,S TIME: 1:00 P.M.

OFFICE--ROOM 440

REFER
BILL ===== DATE === LATEST DATE/ACTION ON BILL =====

NOTE: BILL WILL BE LISTED TWICE IF REREFERRED BACK TO THE SAME COMMITTEE

HB 60	01/25 04/24--(H) SIGNED BY GOVERNOR SPONSOR: HARRINGTON, DAN	TITLE-QUALIFICATIONS AND CERTIFICATION OF COUNTY ASSESSORS	
HB 62	01/19 03/18--(H) CHAPTER NUMBER SPONSOR: HANSON, MARIAN	TITLE-REQUIRE AUDITS OF CEMETERY DISTRICTS	EFFECTIVE DATE: 03/18/89
HB 67	01/17 02/10--(H) CHAPTER NUMBER SPONSOR: HANSEN, STELLA JEAN	TITLE-ENTRY OF RESOLUTION ADOPTING MUNICIPAL BUDGET IN OFFICIAL MINUTES OF COUNCIL	EFFECTIVE DATE: 07/01/89
HB 79	01/21 02/24--(H) CHAPTER NUMBER SPONSOR: DEBRUYCKER, ROGER	TITLE-ALLOW COMBINED BRIDGE AND FERRY FUND IN COUNTIES WITH PUBLIC FERRY	EFFECTIVE DATE: 07/01/89
HB 84	02/28 04/03--(H) CHAPTER NUMBER SPONSOR: HANSEN, STELLA JEAN	TITLE-PERMIT EITHER POSTING OR PUBLISHING OF BOND ELECTION NOTICES	EFFECTIVE DATE: 10/01/89
HB 85	01/18 02/10--(H) CHAPTER NUMBER SPONSOR: HANSEN, STELLA JEAN	TITLE-CHANGE METHOD OF SETTING DATE AND PLACE OF BID OPENING	EFFECTIVE DATE: 10/01/89
HB 121	01/26 03/13--(H) CHAPTER NUMBER SPONSOR: WALLIN, NORM	TITLE-FIRE SERVICE AREA OPERATIONS--ENTER PROPERTY TO FIGHT FIRES, ELECT TRUSTEES	EFFECTIVE DATE: 10/01/89
HB 175	01/26 03/14--(H) CHAPTER NUMBER SPONSOR: HANSEN, STELLA JEAN	TITLE-AUTHORIZE LOCAL GOVERNMENT DEPOSITS IN ANY STATE BANK, S&L, OR CREDIT UNION	EFFECTIVE DATE: 10/01/89
HB 180	02/02 03/10--(H) CHAPTER NUMBER SPONSOR: HANNAH, TOM	TITLE-AUTHORITY FOR COUNTY COMMISSIONERS TO EMPLOY ATTORNEY FOR CIVIL BUSINESS	EFFECTIVE DATE: 10/01/89
HB 182	02/02 03/13--(H) CHAPTER NUMBER SPONSOR: QUILICI, JOE	TITLE-DISCONTINUANCE OF CITY STREET UPON 75% LOT OWNER PETITION AND COUNCIL VOTE	EFFECTIVE DATE: 10/01/89
HB 183	02/02 03/20--(H) CHAPTER NUMBER SPONSOR: ROTH, RANDE	TITLE-INCREASE TIME FOR COUNTY CLERK TO MAKE ANNUAL COUNTY FINANCIAL STATEMENT	EFFECTIVE DATE: 07/01/89
HB 201	02/04 03/24--(H) CHAPTER NUMBER SPONSOR: SPAETH, GARY	TITLE-ALLOW JP OR OTHER CITY JUDGE TO BE APPOINTED CITY JUDGE OF TOWN OR 3RD-CITY	EFFECTIVE DATE: 10/01/89
HB 205	02/16 04/24--TABLED IN COMMITTEE SPONSOR: STANG, SPOOK	TITLE-AUTHORIZE CREATION OF STREET MAINTENANCE DISTRICTS BY COUNTIES	
HB 214	02/02 03/13--(H) CHAPTER NUMBER SPONSOR: SMITH, CLYDE	TITLE-ALLOW REPRESENTATIVE PAYEE TO RECEIVE SILICOSIS BENEFITS FOR CLAIMANT	EFFECTIVE DATE: 10/01/89
HB 237	02/04 03/13--(H) CHAPTER NUMBER SPONSOR: NELSON, RICHARD	TITLE-ALLOW SCHOOL DISTRICT CLERK TO NOTICE IN PAPER OF WIDEST CIRCULATION	EFFECTIVE DATE: 10/01/89
HB 242	02/02 03/23--(H) CHAPTER NUMBER SPONSOR: COBB, JOHN	TITLE-REVISE AND CLARIFY THE LAWS RELATING TO PUBLIC ASSISTANCE	EFFECTIVE DATE: 07/01/89
HB 244	03/08 03/23--(S) ADVERSE COM RPT ADOPTED SPONSOR: SWIFT, BERNIE	(S) LOCAL GOVERNMENT TITLE-PROTECTION OF SHOOTING RANGES	
HB 291	02/28 04/24--TABLED IN COMMITTEE SPONSOR: THOMAS, FRED	TITLE-STATE TO PAY MEDICAL EXPENSES OF PRISONERS CONFINED TO COUNTY JAILS	
HB 292	02/08 03/23--(H) CHAPTER NUMBER		EFFECTIVE DATE: 10/01/89

MINUTES

MONTANA SENATE 51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By Chairman /Ethel M. Harding, on February 14, 1989, at 1:00 p.m. in Room 405, State Capitol

ROLL CALL

Members Present: Senators Ethel Harding, Vice Chairman
Bruce D. Crippen, R.J. "Dick" Pinsoneault, Tom Beck,
Eleanor Vaughn, H.W. "Swede" Hammond, Mike Walker, Gene
Thayer

Members Excused: None

Members Absent: Senator Paul Boylan

Staff Present: Connie Erickson, Legislative Council;
Dolores Harris, Committee Secretary

Announcements/Discussion: None

HEARING ON SENATE BILL 393

Presentation and Opening Statement by Sponsor: Senator J. D. Lynch, senate district 24, Butte, Silver Bow, stated SB 393 is an act clarifying legislative immunity. We didn't include actions that go beyond their legislative duties. Wrongful discharge is one. No one should be above the law and that is basically what this bill states.

List of Testifying Proponents and What Group they Represent:

Michael Sherwood, M.L.A.
Nadlean Jensen, AFSCME

List of Testifying Opponents and What Group They Represent:

Earl W. Bennett, Flathead County
Howard W. Gipe, Flathead County
Gordon Morris, MACO
Leroy Schramm, Legal Council of Montana Board of Regents

Testimony:

banking community more competitive. Also, when you go out of your county for a bid, it says on page 4, line 8, a local financial institution can be approached and if that institution agrees to pay the same interest rate then you would invest locally. It is a critical factor in terms of the interest earnings, which go to offset additional tax increases. This bill came through the house in remarkably good shape. I ask for a favorable consideration.

Questions From Committee Members: Senator Beck asked Representative Hansen if they had any opposition from the banking industry on this bill? She answered they did not have any opposition at all.

Senator Crippen asked is this bill putting local banks in smaller communities at a disadvantage? This bill is good for taxpayers, but is it good for the business? She stated the local banks can meet that lowest bid.

Senator Thayer asked if it was self-defeating to solicit bids and let other banks match? Perhaps, but it works both ways.

Closing by Sponsor: I believe this is a good tool for county government to manage their funds and I urge your support.

DISPOSITION OF HOUSE BILL 175

Discussion: None

Amendments and Votes: None

Recommendation and Vote: None

HEARING ON HOUSE BILL 121

Presentation and Opening Statement by Sponsor:

Representative Norm Wallin, house district 78, Gallatin County stated that HB 121 allows fire chief of a fire service are or fire company and his deputy chief have the authority to enter property to fight fires and they have immunity from suit resulting from the suppression of fires. This bill also set up a 5 member board of trustees to govern and manage the affairs of the district. It passed in the House 93 for, 2 against.

List of Testifying Proponents and What Group they Represent:

Henry E. Lohr, MT State Vol. Firefighters
Lyle Nagel, MT St. Vol. Firefighters Assn.

List of Testifying Opponents and What Group They Represent:

None

Testimony:

Henry Lohr testifies in support of this bill. It clarifies what the liability and immunity so that everyone understands their position. I urge your support.

Lyle Nagel stated this bill will solve a problem for fire service and fire companies where they are the only fire protection, in that it will include fire chiefs in fire control powers and liability statute and also in the immunity statute. This makes all fire chief equal. On Section 2, line 12 it authorizes 5 qualified trustees be elected. In the statute 7-33-2106 the county commissioners may appoint the 5 members or they may be elected. We urge your support of this bill.

Questions From Committee Members: None

Closing by Sponsor: Representative Wallin said thank you for hearing HB 121.

DISPOSITION OF HOUSE BILL 121

Discussion: None

Amendments and Votes: None

Recommendation and Vote: None

HEARING ON HOUSE BILL 182

Presentation and Opening Statement by Sponsor:

Representative Joe Quilici, house district 71, Butte, stated HB 182 is a procedure to vacate streets and alleys and it changes from 100% of the owners to 75% of the owners must approve the closure. The reason for this is in some cases the area was subdivided and the streets and alleys were never used through there. This 100% can stifle economic development. The house changed this bill to 75% of the owners approval and we were hoping that the percentage could be as low as 60% of the owners. This can not be to the detriment to government interests and it must have approval of the

51th LEGISLATIVE SESSION -- 1989

Date 2-14-1989

NAME	PRESENT	ABSENT	EXCUSED
Sen. Ethel Harding	X		
Sen. R.J. "Dick" Pinsoneault	X		
Sen. Tom Beck	X		
Sen. Eleanor Vaughn	X		
Sen. H.W. "Swede" Hammond	X		
Sen. Mike Walker	X		
Sen. Gene Thayer	X		
Sen. Paul Boylan		X	
Sen. Bruce D. Crippen	X		

Each day attach to minutes.

WITNESS STATEMENT
SENATE LOCAL GOVERNMENT

EXHIBIT NO. 1

NAME: Lyle Nage!

DATE 2-14-1989 DATE: 2-14-89

BILL NO. HB 121

ADDRESS: Box 93 Simms Mt. 59477

PHONE: 264 5151

REPRESENTING WHOM? Mt. St. Vol. Fire Fighters Assn

APPEARING ON WHICH PROPOSAL: HB 121

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENTS: Section 1 - The fire protection in most Fire Service
Areas is or will be provided by a fire company or contracted
from an existing neighbor fire service. The present
statute, 7-33-2208 does not cover fire company chiefs but
should. This change will furnish coverage for the fire chief involve
Section 2. (c) 7-33-2106 allows for either ~~appointment~~ ^{appointment}
or election of officers. This would stipulate election

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

DATE February 14, 1989

COMMITTEE ON Local Government

VISITORS' REGISTER

[illegible]

MINUTES

MONTANA SENATE 51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By Chairman Ethel M. Harding, on February 28, 1989, at 1:00 p.m. in room 405, State Capitol

ROLL CALL

Members Present: Chairman Ethel M. Harding, Vice Chairman Bruce D. Crippen, Senators R.J. "Dick" Pinsoneault, Tom Beck, Eleanor Vaughn, H.W. "Swede" Hammond, Mike Walker, Gene Thayer, Paul Boylan

Members Excused: None

Members Absent: None

Staff Present: Connie Erickson, Legislative Council;
Dolores Harris, Committee Secretary

Announcements/Discussion: Chairman Harding is sponsoring a bill in another committee, so at 1:30 she will leave and Vice Chairman Crippen will assume the chair.

HEARING ON HOUSE BILL 214

Presentation and Opening Statement by Sponsor:

Representative Clyde Smith, house district 5, Kalispell, stated HB 214 is an act to allow the appointment of a representative payee to apply for and receive silicosis payments on behalf of a person eligible for such payments or his beneficiary. This act was created in 1937 and provides benefits to 153 victims and 101 widows. The claimants receive \$200 per month and widows receive \$100 per month. 90% of the beneficiaries are over 70 years old. HB 214 allows the Division of Workers' Compensation to appoint a representative payee, including an extended care facility, to receive and administer these benefits on behalf of these beneficiaries. There is only 35 of these beneficiaries over 70 years old. This needs to be done.

List of Testifying Proponents and What Group they Represent:

Bill Palmer, Interim Administrator, D.W.C.

being eligible for general assistance. The VOTE was 8 in FAVOR of this AMENDMENT and Senator Pinsoneault VOTED No.

Recommendation and Vote: Senator Pinsoneault MOVED that we DO CONCUR AS AMENDED with HB 242. The VOTE was UNANIMOUS in FAVOR of HB 242.

EXECUTIVE ACTION ON HOUSE BILL 60

Discussion: Connie Erickson explained the amendment, see exhibit 1. She gave examples where training is required for many different elected offices. She talked to an attorney and he stated there are no legal or constitutional problems with requiring the assessor to complete the certification or he can be removed from office. The amendments change the length of time for certification from 24 to 36 months and changes the effective date back to 1991.

Amendments and Vote: Senator Walker MOVED that we ACCEPT the AMENDMENTS as follows: in the title on line 9 following: "DATE" strike the remainder of line 9 through "DATES" on line 10. On page 2, line 8 insert "36". Then on page 5, line 17 strike section 5 in its entirety. On page 6, line 18 insert "JANUARY". On page 6 line 19 insert "1991." and strike remainder of line 19 through "1991" on page 7, line 5. The VOTE was UNANIMOUS IN FAVOR of the AMENDMENTS.

Recommendation and Votes: Senator Walker MOVED that we DO CONCUR in HB 60. Seven senators VOTED FOR HB 60 and Senator Boylan and Senator Hammond VOTED NO.

Senator Walker will carry HB 60 to the Senate floor.

EXECUTIVE ACTION ON HOUSE BILL 121

Discussion: None

Amendments and Votes: None

Recommendation and Votes: Senator Thayer MOVED we DO CONCUR in HB 121. The VOTE was UNANIMOUS in FAVOR of HB 121.

Notify Senator Manning that he will carry HB 121 to the Senate floor.

EXECUTIVE ACTION ON HOUSE BILL 175

Discussion: Senator Thayer mentioned that they still have to give their local bank an option of matching the bid from

51th LEGISLATIVE SESSION -- 1989

Date 2-28-89

NAME	PRESENT	ABSENT	EXCUSED
Sen. Ethel Harding	X		
Sen. R.J. "Dick" Pinsoneault	X		
Sen. Tom Beck	X		
Sen. Eleanor Vaughn	X		
Sen. H.W. "Swede" Hammond	X X		
Sen. Mike Walker	X		
Sen. Gene Thayer	X		
Sen. Paul Boylan	X		
Sen. Bruce D. Crippen	X		

Each day attach to minutes.

SENATE STANDING COMMITTEE REPORT

March 1, 1989

MR. PRESIDENT:

We, your committee on Local Government, having had under consideration HB 121 (third reading copy -- blue), respectfully report that HB 121 be concurred in.

Sponsor: Wallin (Manning)

BE CONCURRED IN

Signed, Ethel M. Harding

Ethel M. Harding, Chairman

4/1/89
311/89
1:54
1:20

scrhb121.301

HOUSE BILL NO. 121

INTRODUCED BY WALLIN, PATTERSON, DARKO, HARRINGTON,
HOPMAN, GRADY, KOEHNKE, CAMPBELL, GIACOMETTO, COBB,
MANNING, GILBERT, O'CONNELL, WESTLAKE, CODY

A BILL FOR AN ACT ENTITLED: "AN ACT RELATING TO THE
OPERATION OF FIRE SERVICE AREAS; PROVIDING THAT THE FIRE
CHIEF OF A FIRE SERVICE AREA OR FIRE COMPANY AND HIS DEPUTY
HAVE THE SAME AUTHORITY TO ENTER PROPERTY TO FIGHT FIRES AS
COUNTY AND DISTRICT RURAL FIRE CHIEFS; PROVIDING THAT THE
CHIEF, DEPUTY, FIRE COMPANY, AND FIRE SERVICE AREA HAVE THE
SAME IMMUNITY FROM SUIT RESULTING FROM THE SUPPRESSION OF
FIRES AS DO COUNTY AND RURAL FIRE DISTRICTS; PROVIDING FOR
THE ELECTION OF TRUSTEES OF A FIRE SERVICE AREA IN THE SAME
MANNER AS FOR A RURAL FIRE DISTRICT; REQUIRING A TWO-THIRDS
VOTE FOR IMPOSITION OF GOVERNMENTAL IMMUNITY FROM SUIT; AND
AMENDING SECTIONS 7-33-2208, 7-33-2403, AND 7-33-2404, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 7-33-2208, MCA, is amended to read:

"7-33-2208. Fire control powers -- liability. (1) Any
county rural fire chief, or district rural fire chief or his
deputy, or fire service area OR FIRE COMPANY fire chief or
his deputy may enter private property or direct the entry of
fire control crews for the purpose of suppressing fires.

(2) A chief or deputy and the county, or rural
district, FIRE COMPANY, or fire service area are immune from
suit for injury to persons or property resulting from
actions taken to suppress fires under this section."

Section 2. Section 7-33-2403, MCA, is amended to read:

"7-33-2403. Operation of fire service area. (1)

Whenever the board of county commissioners has established a
fire service area, the commissioners may:

(a) govern and manage the affairs of the area; or

(b) appoint five qualified trustees to govern and
manage the affairs of the area; or

(c) authorize the election of five qualified trustees
to govern and manage the affairs of the area. The term of
office and procedures for nomination and election are the
same as those provided for election of rural fire district
trustees in 7-33-2106.

(2) If the commissioners appoint trustees under
subsection (1), the provisions of 7-33-2105 and 7-33-2106
shall apply, except that the trustees shall prepare annual
budgets and request a schedule of rates therefor."

Section 3. Section 7-33-2404, MCA, is amended to read:

"7-33-2404. Financing of fire service area -- fee on
structures. (1) In the resolution creating the fire service
area and by resolution as necessary thereafter, the board of
county commissioners shall establish a schedule of rates to

1 be charged owners of structures that are benefited by the
2 fire services offered by the fire service area.

3 (2) The rates must be applied on a fair and equal
4 basis to all classes of structures benefited by the fire
5 service area.

6 (3) The board of county commissioners shall collect
7 the funds necessary to operate the fire service area by
8 charging the area rate as a special assessment on the owners
9 of structures and collect the assessments with the general
10 taxes of the county. The assessments are a lien on the
11 property so assessed.

12 (4) The board of county commissioners or the trustees,
13 if the ~~commissioners--have--appointed~~ fire service area is
14 governed by trustees under 7-33-2403, may pledge the income
15 of the fire service area to secure financing necessary to
16 procure fire equipment and buildings to house fire
17 equipment. The outstanding amount of such indebtedness may
18 not exceed 7% of the taxable valuation of the area."

19 NEW SECTION. SECTION 4. REQUIREMENTS FOR APPROVAL OF
20 GOVERNMENTAL IMMUNITY FROM SUIT -- SEVERABILITY. BECAUSE THE
21 AMENDMENT TO 7-33-2208(2) PROVIDES GOVERNMENTAL IMMUNITY
22 FROM SUIT FOR INJURY TO A PERSON OR PROPERTY, ARTICLE II,
23 SECTION 18, OF THE MONTANA CONSTITUTION REQUIRES A VOTE OF
24 TWO-THIRDS OF THE MEMBERS OF EACH HOUSE FOR THE ENACTMENT OF
25 THE AMENDMENT TO 7-33-2208(2). IF [THIS ACT] IS NOT APPROVED

1 BY THE REQUIRED VOTE, THE AMENDMENT TO 7-33-2208(2) IS VOID.
2 THE REMAINING SECTIONS AND AMENDMENTS TO 7-33-2208 ARE VALID
3 AND REMAIN IN EFFECT IN ALL VALID APPLICATIONS UPON
4 ENACTMENT.

-End-